

# Notices

Federal Register

Vol. 60, No. 220

Wednesday, November 15, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Food and Consumer Service

#### Collection Requirements Submitted for Public Comment and Recommendations; School Food Purchase Study

**AGENCY:** Food and Consumer Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Consumer Service's (FCS) intention to request OMB review of the School Food Purchase Study.

**DATES:** Comments on this notice must be received by January 16, 1996.

**ADDRESSES:** Send comments regarding the accuracy of the burden estimate, ways to minimize the burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information to: Michael E. Fishman, Acting Director, Office of Analysis and Evaluation, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Michael E. Fishman, (703) 305-2117.

#### SUPPLEMENTARY INFORMATION:

**Title:** The School Food Purchase Study.

**OMB Number:** Not yet assigned.

**Expiration Date:** N/A.

**Type of Request:** New collection of information.

**Abstract:** This study will provide statistically valid national estimates of the types, amounts, and costs of food acquired by local public school districts participating in the National School Lunch Program and School Breakfast

Program. The study will also examine the changes in the mix of foods acquired by schools since the last study of school food purchases (School Year 1984-85). In addition, the study will furnish the opportunity for schools to describe their food purchase practices so that information associated with food buying efficiency can be provided to other schools.

A nationally representative sample of 400 School Food Authorities (SFAs) will be scientifically selected and divided into four subsamples of 100 SFAs each. Each subgroup of 100 SFAs will provide source documents (vendor summaries, invoices, etc.) containing complete food purchase information for all food acquisitions made during one of four three-month periods. The quarterly sample design insures that data is collected across the entire school year and restricts the burden on any one school district to only three months of data collection. SFA food service directors will also be asked to describe school food purchase practices and school food service operations.

**Estimate of Burden:** Public reporting burden for the collection of food purchase information is estimated to average 12 hours for each SFA and 1 hour for the School Food Purchase Practices Questionnaire.

**Respondents:** The food service directors will be responsible for aggregating source documents for the food purchase data and responding to the School Food Purchase Practices Survey.

**Estimated Number of Respondents:** 400.

**Estimated Number of Responses per Respondent:** One.

**Estimated Total Annual Burden on Respondents:** 5,200 hours.

Copies of this information collection can be obtained from John Endahl, Office of Analysis and Evaluation, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 95-28192 Filed 11-14-95; 8:45 am]

**BILLING CODE 3410-30-M**

### Rural Utilities Service

#### Tri-State Generation and Transmission Association, Inc.; Finding of No Significant Impact

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of Finding of No Significant Impact.

**SUMMARY:** Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to the potential environmental impact related to the construction of a new headquarters facility proposed by Tri-State Generation and Transmission Association, Inc. (Tri-State), of Thornton, Colorado. The proposed project will be located on a site near the intersection of 116th Avenue and Huron Street in the Town of Westminster in Adams County, Colorado.

RUS has concluded that the environmental impacts from the proposed project would not be significant and that the proposed action is not a major Federal action significantly affecting the quality of the human environment. Therefore, the preparation of an environmental impact statement is not required.

**FOR FURTHER INFORMATION CONTACT:** Lawrence R. Wolfe, Senior Environmental Protection Specialist, Engineering and Environmental Staff, Ag Box 1569, South Agriculture Building, RUS, Washington, DC 20250, telephone: (202) 720-1784.

**SUPPLEMENTARY INFORMATION:** RUS, in accordance with its environmental policies and procedures, required that Tri-State prepare a Borrower's Environmental Report (BER) reflecting the potential impacts of the proposed facilities. The BER, which includes input from Federal, State and local agencies and the public, has been adopted as RUS's Environmental Assessment for the project in accordance with 7 CFR 1794.61. RUS has concluded that the BER represents an accurate assessment of the environmental impacts of the project. The proposed project should have no impact on cultural resources, floodplains, wetlands, important farmland, and federally listed or proposed for listing threatened or endangered species or their critical habitat.

Alternatives considered to the proposed project included no action, expansion of Tri-State's existing headquarters facility, lease of new office space, and construction of an annex building at the existing headquarters site. RUS has considered these alternatives and concluded that the project as proposed meets the needs of Tri-State to reduce overcrowding at the present facility, provide increased space for equipment storage, consolidate operations done at various existing facilities and provide adequate space for future expansion.

Copies of the BER and FONSI are available for review at RUS at the address provided herein; or can be reviewed at or obtained from the office of Tri-State, 12076 Grant Street, Thornton, Colorado 80233, telephone (303) 452-6111, during normal business hours.

Dated: November 7, 1995.

Adam M. Golodner,

*Deputy Administrator, Program Operations.*

[FR Doc. 95-28193 Filed 11-14-95; 8:45 am]

BILLING CODE 3410-15-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-423-602]

#### Industrial Phosphoric Acid from Belgium; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review.

**SUMMARY:** In response to a request from the respondent, Soci  t   Chimique Prayon-Rupel (Prayon), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on industrial phosphoric acid (IPA) from Belgium. The review covers one manufacturer, Prayon, and exports of the subject merchandise to the United States during the period August 1, 1993, through July 31, 1994.

We preliminarily determine that no margin exists for Prayon for the period August 1, 1993, through July 31, 1994. Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue

and (2) a brief summary of the argument.

**EFFECTIVE DATE:** November 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** David Genovese or Joseph Hanley, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482-5254.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 3, 1994, the Department published a notice of "Opportunity to Request an Administrative Review" (59 FR 39543) of the antidumping duty order on IPA from Belgium (52 FR 31439; August 20, 1987). On August 31, 1994, Prayon requested an administrative review. The Department initiated the review on September 16, 1994 (59 FR 47609), covering the period August 1, 1993, through July 31, 1994. The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

##### Scope of the Review

The products covered by this review include shipments of IPA from Belgium.

This merchandise is currently classifiable under the Harmonized Tariff Schedule (HTS) item number 2809.20. The HTS item numbers are provided for convenience and U.S. Customs purposes. The written description remains dispositive.

##### United States Price

In calculating United States Price (USP), the Department used purchase price, as defined in section 772(b) of the Act. The Department based USP on the delivered price to unrelated purchasers.

The Department made deductions, where appropriate, for commissions, foreign inland freight, ocean freight, foreign inland freight and ocean freight insurance, U.S. inland freight, U.S. brokerage fees and European brokerage fees associated with U.S. sales. Additionally, we adjusted USP for taxes that would have been assessed on merchandise had it been sold in the home market.

In light of the Federal Circuit's decision in *Federal Mogul v. United States*, CAFC No. 94-1097, the Department has changed its treatment of home market consumption taxes. Where

merchandise exported to the United States is exempt from the consumption tax, the Department will add to the U.S. price the absolute amount of such taxes charged on the comparison sales in the home market. This is the same methodology that the Department adopted following the decision of the Federal Circuit in *Zenith v. United States*, 988 F.2d 1573, 1582 (1993), and which was suggested by that court in footnote 4 of its decision. The Court of International Trade (CIT) overturned this methodology in *Federal Mogul v. United States*, 834 F. Supp. 1391 (1993), and the Department acquiesced in the CIT's decision. The Department then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign market tax rate; the Department made adjustments to this amount so that the tax adjustment would not alter a "zero" pre-tax dumping assessment.

The foreign exporters in the *Federal Mogul* case, however, appealed that decision to the Federal Circuit, which reversed the CIT and held that the statute did not preclude Commerce from using the "Zenith footnote 4" methodology to calculate tax-neutral dumping assessments (*i.e.*, assessments that are unaffected by the existence or amount of home market consumption taxes). Moreover, the Federal Circuit recognized that certain international agreements of the United States, in particular the General Agreement on Tariffs and Trade (GATT) and the Tokyo Round Antidumping Code, required the calculation of tax-neutral dumping assessments. The Federal Circuit remanded the case to the CIT with instructions to direct Commerce to determine which tax methodology it will employ.

The Department has determined that the "Zenith footnote 4" methodology should be used. First, as the Department has explained in numerous administrative determinations and court filings over the past decade, and as the Federal Circuit has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the URAA explicitly amended the antidumping law to remove consumption taxes from the home market price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of